

**AGENDA
CITY OF WINDCREST, TEXAS
REGULAR CITY COUNCIL MEETING**

September 19, 2011

7:00 P.M.

NOTICE IS HEREBY GIVEN THAT A REGULAR WINDCREST CITY COUNCIL MEETING WILL BE HELD AT WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS ON THE 19TH DAY OF SEPTEMBER 2011 STARTING AT 7:00 P.M. DURING THE MEETING THE FOLLOWING SUBJECTS WILL BE CONSIDERED AND THE COUNCIL MAY TAKE ACTION ON ANY OF THE LISTED SUBJECTS.

THE CITY COUNCIL RESERVES THE OPTION TO RECESS THE MEETING DURING THE EVENING OF SEPTEMBER 19, 2011 AND TO RECONVENE THE MEETING ON THE FOLLOWING DAY, SEPTEMBER 20, 2011 AT 9:00 A.M. AT THE WINDCREST CITY HALL, 8601 MIDCROWN, WINDCREST, TEXAS.

IT IS ANTICIPATED THAT MEMBERS OF OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY ATTEND THE MEETING IN NUMBERS THAT MAY CONSTITUTE A QUORUM OF SUCH OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES, SO THAT NOTICE IS HEREBY GIVEN THAT THE MEETING IS ALSO A MEETING OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE. THE MEMBERS OF THE OTHER CITY BOARDS, COMMISSIONS AND COMMITTEES MAY PARTICIPATE IN DISCUSSIONS WHICH OCCUR AT THE MEETING, BUT NO ACTION WILL BE TAKEN BY THE OTHER BOARDS, COMMISSIONS AND COMMITTEES WHOSE MEMBERS ARE IN ATTENDANCE.

Ordinance No. 618 (09/20/10), Repealing Ordinance No. 593

At all City Council, City Commission or City Board meetings, the agenda shall include a "citizens to be heard" item. It is suggested that Citizens wishing to speak during this item sign in on the sign up roster prior to the meeting. During "citizens to be heard" comments, each individual may speak on an agenda item or any other matter affecting the city. In addition to the "citizens to be heard" portion of meetings, a person may make comments on agenda items prior to the vote on the agenda item. A member of the public will have a total of six (6) minutes to be heard during a City Council, City Commission or City Board Meeting. This does not include any responses from the body. The six (6) minutes time limit authorized herein may not be transferred to another speaker in whole or in part. The presiding Officer or his/her designee will assign a Time Keeper to each meeting. The Time Keeper will maintain strict compliance of the six (6) minute rule, stopping speakers who exceed the allotted time. As authorized by Section 551.042 of the Texas Government Code, the Presiding Officer may direct a City Official to make: a statement of specific factual information in response to an inquiry made by a member of the public or of the City Council, or; a recitation of existing policy in response to an inquiry made by a member of the public or the City Council. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. Any question posed by a Citizen, Council Member, Board Member or Commission Member for which an answer is not available at a meeting shall be answered by a member of the staff or Presiding Officer at the next regular meeting of the Body, if an answer is reasonably available and prudent. If the information is sensitive, staff will seek advice from the City Attorney.

REQUEST ALL PAGERS AND CELL PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL. CITIZENS ARE ASKED TO REFRAIN FROM TALKING DURING COUNCIL PROCEEDINGS.

Meeting Chair: please remind each participant in your meeting that they must speak into a microphone; the recording is the Official Minutes of your meeting and all who speak must be recorded. All guest speakers and citizens to be heard must speak from podium. Please interrupt speakers during meeting if you recognize that they are not speaking into microphone and have them do so.

I. Call to Order, Pledge of Allegiance, Invocation and Announcements

II. Citizens to be Heard on Subsequent and Non-Subsequent Agenda Items

A member of the public will have three (3) minutes to discuss non-subsequent agenda items.

A member of the public will have six (6) minutes to discuss subsequent agenda items.

III. Presentations

1. City Council will receive a presentation from Homer Guy of Raba-Kistner.

IV. Public Hearing

None

V. Ordinances - Annual Budget and Plan For Municipal Services

FY 2011/2012 **"In conjunction with the first reading of an ordinance, a motion should be made to either "reject the proposed ordinance" or "to forward the proposed ordinance to a subsequent City Council meeting for final adoption at its second reading". **

1. City Council will consider and act upon Ordinance No. 2011-649 (O), an ordinance approving and adopting a budget for operating the Municipal Government of the City of Windcrest for the Fiscal Year beginning October 1, 2011 and ending September 30, 2012; appropriating money for the various funds and purposes of such budget including appropriations of money to pay interest and principal sinking fund requirements on all indebtedness; providing a savings and severability clause; repealing all ordinances and appropriations in conflict with the provisions of this ordinance; and establishing an effective date. (Att. 1)
2. City Council will consider and act upon Ordinance No. 2011-650 (O), an ordinance adopting the Tax Rate and Levying a Tax upon all property subject to taxation within the City of Windcrest, Texas, for the 2011 Tax Year for the use and support of the Municipal Government of the City of Windcrest for the Fiscal Year beginning October 1, 2011 and ending on September 30, 2012; apportioning said levy among the various funds and items for which revenue must be

raised including providing a sinking fund for the retirement of the bonded debt of the City; and establishing an effective date. (Att. 2)

3. City Council will consider and act upon Ordinance No. 2011-651 (O), an ordinance setting fees for various city services and consolidating those fees for convenience; amending various city ordinances; and containing a severability clause and an effective date. (Att. 3)

VII. Ordinances **"In conjunction with the first reading of an ordinance, a motion should be made to either "reject the proposed ordinance" or "to forward the proposed ordinance to a subsequent City Council meeting for final adoption at its second reading". **

1. City Council will review, discuss and may take action Ordinance No. 2011-652 (O), an ordinance adopting an Organizational Chart and Department Classifications. *(First Reading)* (Att. 4)

VIII. Resolutions

IX. Discuss and Act

1. City Council will review, discuss and may take action authorizing the City Manager to move forward with Animal Control Procedures. *(Rafael Castillo, City Manager Request)*. (Att. 5)

X. Closed Session

XI. Action Item

XII. General Announcements & Future Agenda Items Requested

Per Ordinance No. 618, repealing Ordinance No. 593; Section 9: Every agenda shall include an item entry granting a member the opportunity to propose an item for consideration of future agendas for Regular or Special Meetings. Any member may request the inclusion of such items at any meeting.

XIV. Adjournment

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council of the City of Windcrest is a true and correct copy of said Notice and was posted on the bulletin board at City Hall of said City in a convenient place to the public and said Notice was posted more than seventy-two hours prior to the meeting on September 19, 2011.

By: *Mathur Weidenbach*, City Secretary

In compliance with the Americans With Disabilities Act, the City of Windcrest Council Chambers are wheelchair accessible, and accessible parking spaces are available. The City of Windcrest will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Heather Weidenbach, City Secretary, at 210-655-0022 ext. 2150 or Fax 210-655-8776.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ September, 2011.

_____ Title: _____

ORDINANCE NO. 2011-649 (0)

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR OPERATING THE MUNICIPAL GOVERNMENT OF THE CITY OF WINDCREST FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING ON SEPTEMBER 30, 2012; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET INCLUDING APPROPRIATIONS OF MONEY TO PAY INTEREST AND PRINCIPAL SINKING FUND REQUIREMENTS ON ALL INDEBTEDNESS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, a budget for operating the municipal government of City of Windcrest for the fiscal year October 1, 2011, to September 30, 2012, has been prepared in accordance with Chapter 102 of the Texas Local Government Code for the City of Windcrest, Texas; and

WHEREAS, said budget has been submitted to the City Council in accordance with the Local Government Code; and

WHEREAS, public notice of a public hearing upon this budget has been duly and legally made as required by the Local Government Code; and

WHEREAS, said public hearing on the Proposed Budget has been held; and

WHEREAS, the City's Proposed Budget has been amended in accordance with the Local Government Code; and

WHEREAS, a public hearing has been had upon said amendments to the Proposed Budget and, after full and final consideration of proposed expenditures, revenues, financial condition, and comparative expenditures as presented, it is the consensus of opinion that the budget as considered and amended at said hearings should be approved and adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST:

SECTION 1.

That the City Council of the City of Windcrest ratifies, approves and adopts the budget as finally considered for the fiscal year of October 1, 2011, to September 30, 2012, a copy of which shall be filed with the office of the City Secretary and with the Bexar County Clerk and which shall also be posted on the City's Internet Website, and which is incorporated herein for all intents and purposes.

SECTION 2.

That the appropriations for the 2011-2012 fiscal year for the different administrative units and purposes of the City of Windcrest, Texas be fixed and determined for said fiscal year in accordance with the expenditures shown in said budget, and that the distribution and division of said appropriations be made in accordance with said budget including such amounts shown for providing for sinking funds for payment of the principal and interest and the retirement of the bonded debt of the City of Windcrest.

SECTION 3.

That should any part, portion, or section of this ordinance be declared invalid or inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgment shall in no way affect the remaining portions, parts, or sections or parts of section of this ordinance, which provisions shall be, remain and continue to be in full force and effect.

SECTION 4.

That all ordinances and appropriations for which provision has heretofore been made are hereby expressly repealed if in conflict with the provisions of this ordinance.

SECTION 5.

That this ordinance shall take effect and be in full force and effect from and after its passage and approval according to law.

PASSED, APPROVED AND ADOPTED this 19th day of September, 2011, at a regular meeting of the City Council of the City of Windcrest, Texas, which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't Code* 551.001, et.seq., at which meeting a quorum was present and voting.

Alan Baxter, Mayor

ATTEST:

Heather Weidenbach, City Secretary

CITY OF WINDCREST, TEXAS
FUND SUMMARY
FISCAL YEAR 2011-12 PROPOSED BUDGET
SUMMARY OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE

	Beginning Fund Balance	Proposed Revenues	Expenditures	To CIP Reserve	Ending Fund Balance			
					Unreserved, Undesignated	Reserved, Designated	Capital Improvement Reserve	Total
General Fund	1,951,564.97	4,762,085.00	4,426,512.00	44,036	1,593,102	475,000	219,036	2,287,138
Garbage Fund	108,944.94	882,815.33	982,815.00	-	8,945.27	-	-	8,945
Debt Service Fund	(4,564.97)	481,156.97	476,592.00	-	-	-	-	-
Asset Seizure Fund (Federal)	346.89	0.05	-	-	-	346.94	-	347
Asset Seizure Fund (State)	20,425.84	0.14	-	-	-	20,425.98	-	20,426
County Fire Contribution Fund	14,715.45	21,078.51	22,556.00	-	-	13,237.96	-	13,238
School Crossing Guard Fund	38,717.38	5,383.53	15,000.00	-	-	29,100.91	-	29,101
Police Donations Fund	322.13	0.75	-	-	-	322.88	-	323
Police Education Training Fund	4,419.62	1,500.45	1,500.00	-	-	4,420.07	-	4,420
Roosevelt Scholarship Fund	10,456.34	1,753.48	4,000.00	-	-	8,209.82	-	8,210
Court Technology Fund	4,091.68	0.75	3,500.00	-	-	592.43	-	592
Court Building Security Fund	244.39	6,011.20	6,255.59	-	-	-	-	-
Hotel Occupancy Tax Fund	129,126.57	162,009.00	215,970.00	-	-	75,165.57	-	75,166
Friends to Animal Control Fund	-	4,000.25	4,000.00	-	-	0.25	-	-
EDC***	1,781,310.00	411,811.00	1,806,789.00	-	386,332.00	-	-	386,332
WCCPD	176,094.00	378,265.00	426,518.00	-	-	127,841.00	-	127,841
Street Fund (CIP)	563,632.25	367,589.00	360,000.00	-	-	571,221.25	-	571,221
Total:	4,799,847.48	7,485,460.41	8,752,007.59	44,035.97	1,988,379.27	1,325,885.06	219,035.97	3,533,300.05
Required Reserves to Rainy Day Fund (Months)					<i>Excess Fund Balance</i>			<i>Excess Fund Balance</i>
3.2			1,442,487.20		545,892.07			2,090,812.85
3.5			1,577,720.38		410,658.89			1,955,579.67
4			1,803,109.00		185,270.27			1,730,191.05
5			2,253,886.25		(265,506.98)			1,279,413.80

ORDINANCE NO. 2011-050 (0)

AN ORDINANCE ADOPTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF WINDCREST, TEXAS, FOR THE 2011 TAX YEAR FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WINDCREST FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING ON SEPTEMBER 30, 2012; APPORTIONING SAID LEVY AMONG THE VARIOUS FUNDS AND ITEMS FOR WHICH REVENUE MUST BE RAISED INCLUDING PROVIDING A SINKING FUND FOR THE RETIREMENT OF THE BONDED DEBT OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Chief Appraiser of the Bexar County Tax Appraisal District has prepared and certified the appraisal roll of the City of Windcrest, Texas, said roll being that portion of the approved appraisal roll of the Bexar County Tax Appraisal District which lists property taxable by the City of Windcrest, Texas; and

WHEREAS, the Tax Assessor and Collector of Bexar County has performed the statutory calculations required by Section 26.04 of the Texas Tax Code, and has published the effective tax rate, the rollback tax rate, an explanation of how they were calculated, and has fulfilled all other requirements for publication as contained in Section 26.04(e) of the Texas Tax Code, in a manner designed to come to the attention of all residents of said City and has submitted said rates to the City Council of said City prior to the regular City Council meeting of September 19th 2011; and

WHEREAS, the City Council has complied with all applicable requirements of the Texas Tax Code prior to the setting of the tax rate for said City for 2011.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST:

SECTION 1.

That the tax rate of the City of Windcrest, Texas for the tax year 2011 be, and is hereby, set at \$0.436495 on each one hundred dollars (\$100) of the taxable value of real and personal property not exempt from taxation by the constitution and laws of this state situated within the corporate limits of said City.

SECTION 2.

That there is hereby levied for the tax year 2011 upon all real and personal property not exempt from taxation by the constitution and laws of this state situated within the corporate limits of said City, and there shall be collected for the use and support of the municipal government of the City of Windcrest, Texas, to provide a sinking fund for the retirement of the bonded debt of said City and to provide for permanent improvements in said City, and said tax, so levied and collected, shall be apportioned to the specific purposes hereinafter set forth; to-wit:

- A. For the payment of current expenses and to be deposited in the general fund (for the purposes of maintenance and operations) 0.355748 cents on each one hundred dollars (\$100) of the taxable value of such property; and,
- B. To provide for sinking funds for the payment of the principal and interest and the retirement of the bonded debt, and the same shall become due as shall be necessary to pay the principal and interest of the current year as follows:

0.080747 cents per one hundred dollars (\$100) valuation.

SECTION 3.

That the Bexar County Tax Assessor and Collector is hereby authorized to assess and collect the taxes of said City employing the above tax rate.

SECTION 4.

That the Municipal finance Officer of said City shall keep accurate and complete records of all monies collected under this Ordinance and the purposes for which same are expended.

SECTION 5.

That monies collected pursuant to this Ordinance shall be expended as set forth in the City of Windcrest's FY 2011-2012 Annual Budget FY 2011-2012.

SECTION 6.

That all monies collected which are not specifically appropriated shall be deposited in the general fund.

SECTION 7.

That this ordinance shall take effect and be in full force and effect from and after its passage and approval according to law.

PASSED, APPROVED AND ADOPTED this 19th day of September, 2011, at a regular meeting of the City Council of the City of Windcrest, Texas, which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't Code* 551.001, et.seq., at which meeting a quorum was present and voting.

Alan Baxter, Mayor

ATTEST:

Heather Weidenbach, City Secretary

ORDINANCE NO. 2011-051 (0)

AN ORDINANCE SETTING FEES FOR VARIOUS CITY SERVICES AND CONSOLIDATING THOSE FEES FOR CONVENIENCE; AMENDING VARIOUS CITY ORDINANCES; AND CONTAINING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Windcrest has adopted numerous ordinances that provide for various fees and charges that are subject to change from time to time; and

WHEREAS, the City has determined that it would be convenient to consolidate those fees in one ordinance that can be reviewed and amended as needed from time to time; and

WHEREAS, the City has adopted a budget for the upcoming fiscal year that incorporates the fees and charges specified herein; and

WHEREAS, the City has determined that the fees and charges specified herein are reasonable, necessary, fair and designed to fund the various activities to which they pertain; and

WHEREAS, the City has conducted a public hearing at which the fees imposed herein were made known to the public and the governing body; and

WHEREAS, the City has determined that the fees set forth herein will promote the health, safety, and welfare of the citizens of Windcrest; and

WHEREAS, this ordinance was adopted at a meeting of the Windcrest City Council held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council was present and voting;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS:

SECTION 1. Rates Imposed.

The City hereby adopts the Fee Schedule attached as Exhibit "A" hereto and imposes the fees set forth therein upon the services, activities, events, materials, and supplies that are described therein. These rates shall be collected by the City in accordance with the various City ordinances that more particularly describe each of the fees.

SECTION 2. Ordinances Amended.

Each City ordinance that originally provided a fee, charge, or fine that is mentioned on Exhibit "A" is hereby amended as shown on Exhibit "A."

SECTION 3. Severability.

Should any portion or part of this ordinance be held for any reason invalid or unenforceable by a court of competent jurisdiction, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

SECTION 4. Effective Date.

This Ordinance shall be effective upon its passage.

PASSED AND APPROVED THE 19th day of September, 2011.

CITY OF WINDCREST, TEXAS

By: _____
Alan Baxter, Mayor

ATTEST:

Heather Weidenbach, City Secretary

City of Windcrest
Fee Schedule
Fiscal Year 2011-12

Attachment A

Updated: 10:47a.m. September 1, 2011

Building and Building Code

Residential Remodels

Foundation	\$5.00
Driveways	\$5.00
Sidewalks	\$5.00
Re-roofs	\$5.00
Fences	\$5.00
Assessory Buildings	\$5.00
Other remodel not listed below	\$5.00

Building Permit Fees

\$500 or less of total value of construction	\$24
\$501 to \$2,000 of total value of construction	\$23.50 + \$3.05 for each hundred or fraction thereof over \$500.00
\$2,001 to \$25,000 of total value of construction	\$69.25 + \$14.00 for each thousand or fraction thereof over \$2,000.00
\$25,001 to \$50,000 of total value of construction	\$391.75 + \$10.10 for each thousand or fraction thereof over \$25,000.00
\$50,001 to \$100,000 of total value of construction	\$643.75 + \$7.00 for each thousand or fraction thereof over \$50,000.00
\$100,001 to \$500,000 of total value of construction	\$993.75 + \$5.60 for each thousand or fraction thereof over \$100,000.00
\$500,001 to \$1,000,000 of total value of construction	\$3,233.75 + \$4.75 for each thousand or fraction thereof over \$500,000.00
\$1,000,000 and higher of total value of construction	\$5,608.75 + \$3.65 for each thousand or fraction thereof over \$1,000,000.00
Re-Roof	\$50
Curb cuts	\$50
Certificate of Occupancy (Non-Refundable)	\$100
Variance Request	\$150
Moving Permit	\$100

Demolition Permit \$50.00 for the first 1,000 square feet + \$0.50 per square foot over 1,000 square feet
 Fee shall be equal to 1/2 of the building permit fee. Such plan checking fee is in addition to the permit fee.

Plan Checking Fee Where work for which a permit is required started or proceeds prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of the code in the execution of the work nor from any other penalties prescribed herein. A fee of \$100.00 shall be assessed for any proceeding with any work without having an approved inspection at the required stage of construction.

Non-Compliance Fee
 Re-Inspection Fee (for failed inspections) \$75.00 per failed inspection
 Failure to correct Code Violations \$100.00

Plumbing Permits

Plumbing Permits Base Fee	\$30.00 Plus
Water Softener	\$5.00
House Sewer	\$5.00
Water Heater	\$15.00
Gas Test	\$5.00 for one to four outlets + \$1.00 for each additional outlet.
Fuel tanks	\$25.00 for -0- to 1,000 gallons and \$35.00 for 1,001 and over gallons
Fixture or Trap Repair	\$5.00
New fixtures	\$10.00 each fixture
Water line	\$5.00
Grease Trap	\$30
Shower Pan	\$30
Vacuum Breakers	\$5.00 for up to five, \$2.00 each additional breaker over five
Irrigation/Sprinklers/Fire System	\$1.00 per head \$5.00 for one to four outlets, inclusive, and \$1.00 for each additional unit.
Water Piping	\$5.00
Fire Sprinkler System	\$1.50 per head

H /AC / Mechanical Permit Fee

\$30.00 + \$10.00 for the first \$1,000 or fraction thereof, of valuation of the installation plus \$10.00 for each additional \$1,000 or fraction thereof.

Electrical Permit Fee - Base Fee

Swimming Pool	\$30.00 +
Temporary Meter Loop	\$45
First 20 fixtures	\$30
Signs	25.00 + \$.06 for each additional (includes receptacle, switch and outlets)
	\$30

City of Windcrest
Fee Schedule
Fiscal Year 2011-12

Attachment A

Updated: 10:47a.m. September 1, 2011

Alarm Permits

3 or less False Alarms within perceeding 12 Months	\$0
4 or 5 False Alarms within perceeding 12 Months	\$50
6 or 7 False Alarms within perceeding 12 Months	\$75
8 or more False Alarms within perceeding 12 Months	\$100

Garage Sale

Garage Sale Permit	\$10
Estate Sale Permit	\$100

Animal Control

Pet Tag	\$5
Duplicate Pet Tag	\$2
Admin Fee for 2nd time of capture of animal	\$50
Each subsequent capture is an additional \$25	
Variance Request for number of Animals	\$10
Violating the Animal Control Ordinance (Chapter 3)	100 - 1,000

Notary Fees

Protesting a bill or not for non-acceptance or non-payment, register & seal	\$4.00
Each notice of protest	\$1.00
Protesting in all other cases	\$4.00
Certificate and seal to a protest	\$4.00
Taking the acknowledgment or proof of any deed or other instrument in writing, for registration, including certificate and seal:	
(1) for the first signature	\$6.00
(2) for each additional signature	\$1.00
Administering an oath or affirmation with certificate and seal	\$6.00
All certificates under seal not otherwise provided for	\$6.00
Copies of all records, and papers in the Notary Public's Office, for each page	\$0.50
Taking the depositions of witnesses, for each 100 words	\$0.50
Swearing a witness to a deposition, certificate, seal, and other business connected with taking the deposition	\$6.00
All notarial acts not provide for	\$6.00

Charges for Public Information Request

Standard Paper Copy	\$0.10
Nonstandard Copy	
Diskette	\$1.00
Magnetic Tape	actual cost
Data Cartridge	actual cost
Tape Cartridge	actual cost
Rewritable CD	\$1.00
Non-Rewritable CD	\$1.00
Digital Video Disc	\$1.00
JAZ Drive	actual cost
Other Electronic Media	actual cost
VHS Video Cassette	\$2.50
Audio Cassette	\$1.00
Oversize Paper Copy (e.g. 11x17, greenbar, ect...)	\$0.50

City of Windcrest
Fee Schedule
Fiscal Year 2011-12

Attachment A

Updated: 10:47a.m. September 1, 2011

Swimming Pool Fees

Daily Fee \$3.00

Resident:

Single \$60.00
 Couple \$90.00
 Family \$120.00
 Swim Lessons 2week 1hour daily session \$40.00

Non-Resident:

Single \$125.00
 Couple \$145.00
 Family \$170.00
 Swim Lessons 2week 1hour daily session \$50.00

Swim Team

1 Participant in Family \$86.00
 Each additional member of the Family \$76.00

Pool Parties

3 hours
 10-25 guests \$100.00
 Additional hours -(per Hour) \$30.00
 26-50 guests \$125.00
 Additional hours -(per Hour) \$30.00
 51-75 guests \$197.50
 Additional hours -(per Hour) \$37.50
 76-100 guests \$245.00
 Additional hours -(per Hour) \$45.00

Camps, daycares, other type organizations

Per Person \$2.00

Civic Center Fees

Windcrest Resident:

Deposit \$100 –Refundable after event
 Rental \$50 per hour minimum 4 hour rental
 Cleaning \$100.00
 Sound System Deposit \$100-Refundable after event
 *Security \$25 per hour
 Optional Set Up Fee by Civic Center Tech \$25 per hour (this can be deducted from deposit)

Non-Resident:

Deposit \$200-Refundable after event
 Rental \$80 per hour minimum 4 hour rental
 Cleaning \$100.00
 Sound System Deposit \$100-Refundable after event
 *Security \$25 per hour
 Optional Set Up Fee by Civic Center Tech \$25 per hour (this can be deducted from deposit)

Schools and Churches receive the Windcrest Resident Rate

Civic Clubs

Usage Fee \$25 per meeting
 Usage Fee \$50 for banquet/fundraiser event
 No Cleaning Fee No Cleaning Fee
 *Security \$25 per hour

*Security Fee is only paid when an event will be serving alcohol.

ORDINANCE NO. 2011-652 (O)

**AN ORDINANCE ADOPTING AN ORGANIZATIONAL
CHART AND DEPARTMENTAL CLASSIFICATIONS**

WHEREAS, the City Charter requires the City Council to establish the city's organizational chart and departmental classifications in Section 3.03 (3) and Section 5.01.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF WINDCREST THAT** the attached organizational chart with
departmental classifications is hereby approved and adopted as required by the City
Charter.

This ordinance shall take effect upon its final passage, and it is so ordained.

PASSED and ADOPTED this the 19th day of September, 2011.

Alan Baxter, Mayor

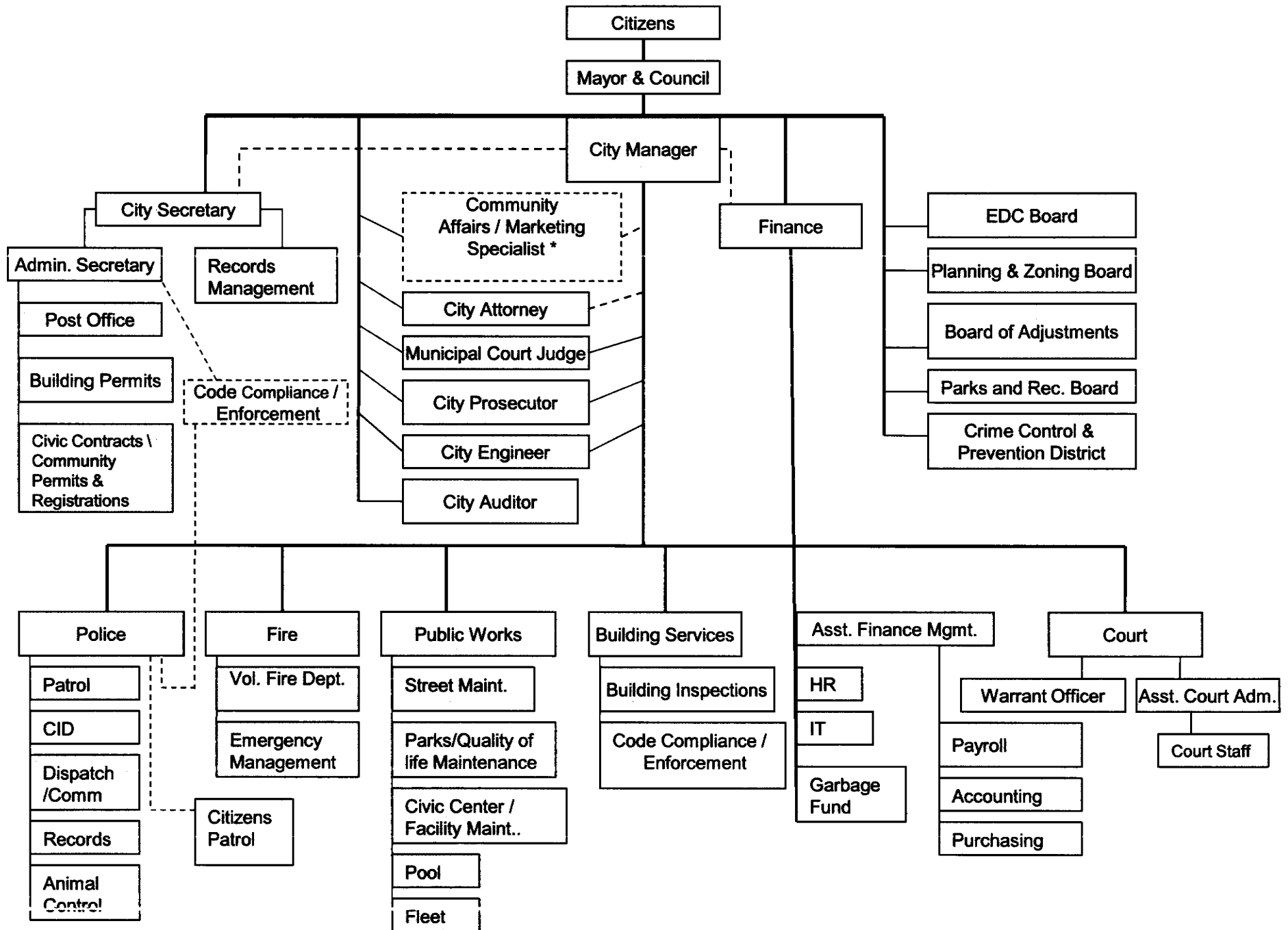
ATTEST:

Heather Weidenbach, City Secretary

APPROVED AS TO FORM:

Michael S. Brennan, City Attorney

City of Windcrest Organizational / Functional Chart FY 2011-2012 Ordinance # 2011-xxx



CITY OF WINDCREST - ANIMAL CONTROL PROCEDURES

Responsibilities / Notifications / Reporting

1. Animal Control Officers shall be dispatched by the Police Department. All incoming calls received by others should be routed to the Police Communications Office. A case number will be assigned to all dispatched calls.

During Business Hours

1. Animal Control Officers will be dispatched Monday through Friday, from 7 AM until 3:30 PM for all animal calls including deceased animals on City owned property including roadways, alleys, right-of-ways, and easements.
 - a. Animal Control Officers will not be dispatched to bee swarms on City property. The Director of Public Works will be notified in the case of bee swarms and will determine the proper response.
 - b. Bee swarms on private property are the responsibility of the property owner. Property owners having bee swarm issues shall be directed to a professional exterminator.
 - c. Should a Police Officer need animal retrieval, the Dispatcher shall dispatch Animal Control Officer to the requesting Police Officer's location.
 - d. Deceased animals shall not be retrieved on private property.

After Business Hours, Weekends and Holidays

1. Should a Police Officer have a need for animal retrieval, the Dispatcher shall contact Animal Control Officer via telephone or pager and advise them of the circumstances requiring retrieval, the type of animal, and the location of the animal.
 - a. Animal Control Officer will not be summoned after business hours for complaints of animal(s) running at-large unless the animal is displaying symptoms of disease and may pose a health risk to humans or domestic animals. Animal Control Officer may be summoned after business hours for domestic animals that are contained in a yard, garage or other enclosure and immediate impoundment is necessary to ensure the safety of humans or domestic animals.
2. Animal Control Officer may be dispatched for certain types of deceased animals on City owned property including roadways, alleys, right-of-ways, and easements. Examples of these animals could be large dogs, cats, large non-domestic animals, etc.
 - a. Deceased animals discovered after business hours may remain until the next business day. Weekends and holidays may require immediate pick-up due to decomposition effects over a span of several days. Large animals on thoroughfares or that may cause traffic hazards may require immediate notification and removal.
3. Animal Control Officer may be dispatched to investigate reports of domestic and non-domestic animals displaying symptoms of disease. Police dispatch personnel should gather sufficient information in order to be as specific as possible when notifying the Animal Control Officer.
4. The Director of Public Works will be notified in the case of bee swarms on City property and will determine the proper response.
 - a. Bee swarms on private property are the responsibility of the property owner.

Animal Traps / Trapped Animals/Snakes/TNR(Trap/Neuter/Return)

1. Animal traps will be made available to residents through an animal trapping program to abate nuisances caused by domestic animals. The Animal Control Officer will maintain files on persons requesting trapping service and will coordinate the placement of traps.
 - a. Animal traps are delivered Monday thru Wednesday. All traps will be picked up for cleaning and inventory every Friday morning.
 - b. During business hours, dispatchers shall notify the Animal Control Officer when a domestic animal has been trapped.
 - c. Trapped animals reported after 3:30 PM shall be picked up first thing the next business day.
 - d. It is important that dispatchers are diligent in passing this information on to Animal Control Officer as early as possible. Trapped animals should not remain in traps any longer than sixteen (16) hours.
 - e. Domestic animals that are injured or are obviously diseased will be taken to an animal control facility for humane disposal as determined by that facility.
 - f. Healthy domestic animals will be taken to an animal control facility for impoundment. After five days of impoundment, all animals may be placed for adoption, placed in a shelter or euthanized.
 - g. Non-domestic or domestic animal trapping is the responsibility of the property owner if on private property.
 - h. Non-domestic animals captured in a City trap may be released into the wild, unless the animal appears to be diseased, high risk rabies carrier or fatally injured. In such cases the animal will be humanely disposed of.
 - i. Snake calls will require extra caution in identifying whether the snake is poisonous. If it is determined that the snake is poisonous it will be the decision of the Animal Control Officer and/or Police Officer on duty on how to dispose of snake. Poisonous snakes that are captured alive may be delivered to the "Snake Farm" located at 5640 IH 35 S, New Braunfels, Texas - (830) 608-9270 during business hours. No snake calls will be made after business hours. Non-poisonous snakes may be relocated or left at point of discovery at the discretion of Animal Control Officer. *If it is determined that the safest way to dispose of a poisonous snake is by firearm this will only be done by a Police Office utilizing the upmost of caution and following Police Department Policy on discharging a weapon.*
- J. In accordance with Ordinance 580, City Code Chapter 3, known as Animal Control and by directives of the City Manager and Animal Control Officer the City hereby establishes a TNR (Trap, Neuter Return) program. In order to effectively and humanely control feral cat populations within its jurisdictional boundaries, the city shall sponsor a trap-neuter-return program in an effort to reduce the feral cat population over time without the necessity of wholesale capture and euthanization. The city may establish a fund or provide services to off-set the costs of trapping, neutering, and vaccinating captured feral cats that can be returned to an appropriate, controlled, protected, and authorized colony site, Caregivers for colonies, whether one (1) or several feral cats, may be aided by the city in providing traps, transportation to a spay/neuter facility and assisting in off-setting costs, to the extent that funding is available. Ear tipping shall be used on feral cats in order to be identified as a spayed or neutered and vaccinated member of a managed colony. A photographic record adequate to identify the cat shall be obtained for all cats that are part of the city's trap neuter-return program whenever possible. Caregivers of feral cat colonies shall be registered with the city and may seek the assistance of the Animal Control Officer.

NOTIFICATION OF IMPOUNDED ANIMALS

- a. Animal Control Officer may make reasonable attempts to contact known owners of impounded animals by telephone or by leaving written notification at the owner's door.
- b. Owners requesting information regarding release of an animal and/or animal impoundment will be advised to contact the Animal Control Officer during business hours.

Postings/Scanning

1. Before the animal is impounded, the Animal Control Officer will take a photo of the animal and such photo will be posted on the City's website as soon as possible. The photo will also appear on the Found Animal Notice that is to be posted on the doors at City Hall.
2. The Animal Control Officer will scan the animal for an owner identification micro-chip and if located record all information on Animal Retrieval Form.

Animal Release Procedure

1. Owners of impounded animals may arrange for the release of their animal(s) during business hours (8 to 5) from the Animal Control Facility.
 - a. Animals will not be released by the Animal Control Facility after 5 PM, or on weekends.
 - b. Animals not having current rabies vaccination or written proof of current rabies vaccination will be vaccinated against the rabies virus before the animal is released to the owner. The cost of the rabies vaccination will be incurred by the owner of the animal and must be paid by the owner directly to the Animal Control Facility before the animal will be released.
 - c. All costs incurred for the impoundment of an animal are the responsibility of the animal's owner.

Investigations

1. Animal Control Officer will be dispatched for the following types of calls during normal business hours (7 AM to 3:30 PM, Monday thru Friday) or after hours at the request of a Police Officer to assist for:
 - a. Abandonment as defined by Section 3.108, Chapter 3, City Code.
 - b. Inhumane Treatment as defined by Section 3.109, Chapter 3, City Code.
 - c. Vicious Animal as defined by Section 3.110, Chapter 3, City Code.
 - d. Dogs and Cats Running at Large as defined by Section 3.111, Chapter 3, City Code.
 - e. Rabies Control, as defined by Subchapter 3.500, Chapter 3, City Code.
 - f. Any other miscellaneous violation of Chapter 3 or violations of State law concerning care or treatment of animals.

Shelter Pro Program

The City of Windcrest utilizes Shelter Pro for its Animal Control Department. This program will be utilized by the Animal Control Officer and Administrative Staff for searching the database, updating the database as needed, and for incident reporting. The Administrative Staff will be responsible for data input to include accounting, invoicing and pet licensing along with updating the database as needed.

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Subchapt.3.100 DOGS AND CATS **Sec. 3.101 DEFINITIONS**

As used in this Chapter, unless the context otherwise dictates,

1. **ANIMAL** - any living vertebrate or invertebrate, domestic or wild, not including man.
2. **ANIMAL CONTROL OFFICER** – a person who is not a peace officer, who completes a basic animal control course, completes a training course on or before June 30, 2008, and completes 30 hours of continuing education under Title 10, Health and Safety Code, Chapter during each three-year period.
3. **AT LARGE** – be intended to mean off the premises of the and not under the control of the owner or his employee or agent by means of a leash, chain, rope, cord or such other personal presence and attention as will reasonably control a dog's and cat's actions and conduct.
4. **CAT** – a male or female of the feline species, whether altered or not.
5. **DOG** – a male or female of the canine species, whether altered or not.
6. **DOG AND CAT LICENSE** - the printed or written permission issued by the Animal Control Officer authorizing the holder to keep a dog and/or cat within the City.
7. **DOG AND CAT LICENSE TAG** – a metal tag of a design prescribed by the Animal control Officer and bearing the corresponding number of the dog and cat license.
8. **EAR-TIPPING** – a straight line cutting of the tip of the left ear of a cat done while the cat is anesthetized.
9. **DOG** – A male or female of the canine species, whether altered or not.

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10. **FERAL CAT** – a cat that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication. The usual and consistent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are completely or substantially unsocialized to humans.
11. **FERAL CAT CAREGIVER** – a volunteer, uncompensated person who agrees to facilitate the trap-neuter-return program in accordance with this chapter and any rules and regulations established by the Animal Control Officer.
12. **FERAL CAT COLONY** – a group of cats that congregate, more or less, together as a unit. Although not every cat in a colony may be feral, any non-feral cats that congregate with a colony shall be deemed a part of it.
13. **OWNER** – any person or persons, firm, association or corporation owning, keeping, feeding, harboring or otherwise caring for a dog or cat, including keeping, harboring, feeding or otherwise caring for stray dogs or cats.
14. **QUARANTINE** – to detain or isolate on account of suspected contagion.
15. **TRAP-NEUTER-RETURN (TNR) PROGRAM** – a program pursuant to which feral and stray cats are trapped, evaluated, neutered or spayed, vaccinated against rabies and returned to the areas which they congregate.
16. **VICIOUS ANIMAL** – any animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise threaten the safety of human beings or domestic animals; Any animal which, without provocation, has attacked or injured a human being or domestic animal; Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting; Any animal which, without provocation, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack; or Any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed or has tendencies to attack or to bite human beings or other animal.

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LICENSE AND REGISTRATION REQUIRED

The Owner of any dog or cat over three (3) months of age shall license and register such Owner's dogs and cats annually. Dog and/or cat licenses shall be issued by the Animal Control Officer or his representative upon payment of a license fee of five dollars (\$5.00) for each dog or cat. The owner shall state at the time application is made for such license and upon forms provided for such purposes his name and address, and name, breed, color and sex of each dog and/or cat. Non-resident owners of dogs and/or cats who temporarily bring their dogs and/or cats within the City are exempt herefrom. The license tax may be waived if the owner shows proof that the dog or cat has a microchip implanted.

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Sec. 3.103 VACCINATION

It shall be unlawful for the owner of any dog and/or cat, to keep, maintain, or harbor such dog and/or cat unless it shall have been vaccinated against rabies by a licensed veterinarian at the owner's expense. Such vaccines shall be of the three (3) year variety. Before any dog and/or cat license shall be issued by the Animal Control Officer, the owner must present a valid certificate issued by a licensed veterinarian. A valid certificate is one that is either dated in the calendar year for which the license is being issued or dated within the preceding ninety (90) days. Animals sent to another facility as approved by the Animal Control Officer need not be vaccinated or be required to have a microchip implant prior to being sent to that facility.

Sec. 3.104 TAG AND COLLAR

Upon payment of the license fee, the Animal Control Officer or his representative shall issue to the owner, a license certificate and a metallic tag for each dog and/or cat so licensed. The shape of the tag shall be changed every year and shall have a stamp thereon showing the year for which it was issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog and/or cat with a collar and tag and it shall be constantly worn. In the event a dog and/or cat tag is lost or destroyed, a duplicate will be issued by the Animal Control Officer or his representative upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a two dollar (\$2.00) fee for such duplicate. Dog and/or cat tags shall not be transferable from one dog and/or cat to another and no refund shall be made on any dog and/or cat license fee because of death of the dog and/or cat or the owner's leaving the City before expiration of the license. An owner of a dog or cat can choose to have a microchip implanted under the skin of the animal performed at a veterinary hospital, in lieu of license tags. The microchip implant does not exempt the owner of the animal from registration.

Sec. 3.105 IMPOUNDING

It shall be the duty of the Animal Control Officer to apprehend any dog and/or cat found running at large contrary to the provisions of this Chapter and to impound such dog and/or cat in a designated veterinary hospital/quarantine facility at his discretion. The Animal Control Officer shall require the operator of the subject designated veterinary hospital/quarantine facility receiving any dog and/or cat pursuant to the provisions of this Chapter to make a complete registry, entering the breed, color and sex of such dog and/or cat and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag.

Sec. 3.106 NOTICE TO OWNER AND REDEMPTION

Not later than five (5) days after the impounding of any dog and one (1) day for any cat, the owner shall be notified, or if the owner of the dog and/or cat is unknown, written notice, including a picture of the animal, shall be posted for five (5) days for dogs and one

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(1) day for cats, at a conspicuous place in the City Hall describing the dog and/or cat impounded. Such notice shall also be posted on the City's designated web site. Attempts shall be made to notify area veterinary hospitals and pet shops by e-mail or fax of the impounded animal. The owner may reclaim such dog and/or cat upon payment of (1) a license fee (if unpaid), (2) an administrative fee to the City of Windcrest for the impounding of said dog and/or cat, and (3) all boarding charges due the City's designated veterinary hospital/quarantine facility. Before releasing the animal, a microchip shall be implanted by the veterinarian and such cost paid for by the owner. The first time a dog and/or cat is reclaimed no administrative fee will be charged, the second time a dog and/or cat is reclaimed by its owner the administrative fee will be fifty dollars (\$50.00, and each subsequent time a dog and/or cat is reclaimed by its owner the administrative fee will increase by \$25.00. Should said owner fail to pay such charges and/or refuse to claim the animal, he/she shall be charged with abandonment and adjudicated accordingly. In the case of feral cats, they shall spayed or neuter and return to their colony after the required recovery period assisted by the feral cat caregiver.

Sec. 3.107 DISPOSITION OF UNCLAIMED OR INFECTED DOGS/CATS

It shall be the duty of the operator of the designated veterinary hospital/quarantine facility to keep all unclaimed dogs and/or cats delivered to it by the Animal Control Officer for a minimum of one hundred twenty (120) hours from the date of notice to the owner or the posting of notice. If after the expiration of one hundred twenty (120) hours from the date of notice to the owner or the posting of notice, such dogs and/or cats shall not have been redeemed, they may be disposed of by sale, adoption or destruction; provided, however, if the end of the one hundred twenty (120) hour period falls on a national holiday or Saturday or Sunday, the operator of the designated veterinary hospital/quarantine facility shall wait until the afternoon of the next normal business day prior to the sale or destruction of such dogs and/or cats.

Sec. 3.108 ABANDONMENT

No person, persons, firm, association, or corporation, shall abandon any dog and/or cat, which it has within its control either temporarily or permanently, within the corporate limits of the City of Windcrest, Texas; nor shall any person, persons, firm, association, or corporation allow any dog and/or cat, which it has within its control either temporarily or permanently, to be left without proper food and water within the corporate limits of the City of Windcrest, Texas. Control shall include, but not be limited to, the temporary feeding, providing water, and temporary shelter of any dog and/or cat.

Sec. 3.109 INHUMANE TREATMENT

No person, persons, firm, association, or corporation shall torture, torment, deprive of necessary sustenance, fail to provide adequate shelter unnecessarily or cruelly beat nor needlessly mutilate or kill any animal, nor carry any animal in or upon any vehicle, or otherwise, in a cruel or inhuman manner, nor procure the same to be done, within the

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corporate limits of the City of Windcrest, Texas. As used in this Section, the words "torture" and "cruelly" include every act, omission or neglect whereby unnecessary pain or suffering is caused, permitted or allowed.

Sec. 3.110 VICIOUS ANIMAL

It shall be unlawful for any keeper of any vicious animal to permit any such animal to run at large regardless of any other provision contained in this Chapter. Prosecution of any such owner of a vicious animal may be instituted in Municipal Court by any person filing a sworn complaint charging such owner with allowing or

permitting a vicious animal to run at large, that such animal has bitten or attempted to bite or attacked or attempted to attack any person in a vicious manner, it appearing that the person so bitten or attacked or attempted to be attacked in a vicious manner was not at the time of such attack trespassing inside the home of the owner or within the enclosure of the animal and was not otherwise at fault.

Sec. 3.111 DOGS AND CATS RUNNING AT LARGE

It shall be unlawful for any person owning any dog and/or cat to permit it to be outside of such owner's premises upon the streets, alleys or other public places of the City, unless the dog and/or cat shall be at all times under the control of the owner or his employee or agent by means of a leash, chain, rope or cord of sufficient strength to control the actions of said dog and/or cat, or such other personal presence and attention as will reasonably control its actions and conduct. Prosecution of any such owner for the offense described herein may be instituted in Municipal Court by any person filing a sworn complaint charging such owner with such offense. The owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit the domesticated cat to roam unsupervised.

Subchapt. 3.200 DOMESTIC ANIMALS, KEEPING OF DOGS, CATS, AND OTHERS

Sec. 3.201 RESTRICTIONS

1. It shall be unlawful for any person or persons to maintain or keep, in the aggregate, more than four (4) adult dogs and/or cats on premises within the corporate limits of the City of Windcrest, Texas.
2. It shall be unlawful for any person or persons to maintain or keep on premises within the corporate limits of the City of Windcrest, Texas more than the number of adult dogs and/or cats designated by the City Council in the variance granted to such person or persons.
3. As used in this Section, the word, "adult dogs and/or cats" mean a dog and/or cat that is six (6) months or older.

Sec. 3.202 KEEPING OF NEWBORN OFFSPRING

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The keeping by any person of newborn offspring of dogs and/or cats authorized hereby for a period of six (6) months shall not constitute a violation of this Subchapter.

Sec. 3.203 VARIANCE; MAXIMUM AUTHORIZED; AUTHORITY OF CITY COUNCIL TO REVOKE

The City Council, upon application for variance to Section 3.201 as hereinafter provided, may grant or deny, in whole or in part, an application for variance to Section 3.201 of this Code.

The City Council, upon granting a variance to Section 3.201 of this Code shall designate the number of adult dogs and/or cats authorized to be maintained or kept by the variance granted, but in no event shall the number of adult dogs and/or cats authorized by the granting of the variance to Section 3.201 of this Code exceed, in the aggregate, six (6) adult dogs and/or cats.

The City Council, after notice to the person or persons granted a variance to Section 3.201 of this Code, and after conducting a hearing thereon, may revoke the variance granted to such person or persons.

1. The notice shall be:
 - A. In written form,
 - B. Addressed to the person or persons,
 - C. Specify the purpose of the notice,
 - D. Designate the time, date, and place of the hearing to consider revoking the variance granted to such person or persons.
2. The notice shall be mailed to the address of the person or persons by certified mail return receipt requested.

The decision of the City Council considering the revocation of the variance granted to the person or persons shall be attached to the person's or persons' application for variance to Section 3.201 of the Code and be maintained on file in the office of the City Secretary in accordance with the record keeping practices of that office.

Sec. 3.203.1 APPLICATION FOR VARIANCE: PROCEDURE

Any person desiring to maintain or keep in the aggregate more than four (4) adult dogs and/or cats within the corporate limits of the City of Windcrest, may file a written application with the City Secretary of the City of Windcrest, Texas, requesting the City Council to grant his written application for variance to Section 3.201.

The written application must contain the following information:

1. The name(s) and address (es) of the person(s) making such application for variance,

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2. The applicant's reason(s) for requesting the variance,
3. The names and addresses of all homeowners residing within a 200 foot radius of the applicant's property lines,
4. The number of adult dogs and/or cats the applicant desires to maintain or keep in excess of the basic number of adult dogs and/or cats allowed by Section 3.201, and
5. The application must be signed and dated by the applicant.

A fee of ten dollars (\$10.00) must accompany each application to cover the expense of processing the application and notifying adjacent property owners of the applicant's request for variance to Section 3.201 of the Code.

The City Secretary, upon receipt of the application for variance and the application fee, shall then do the following:

1. Place such application on the agenda of the regularly scheduled City Council meeting following the next regularly scheduled City Council meeting.
2. Notify the applicant of the date such application will be considered by the City Council.
3. Notify by mail all homeowners within a two hundred (200) foot radius of applicant's property lines of the application for variance to Section 3.201 and the date that the City Council will consider the application for variance.
 - A. All notices to said homeowners shall be a standardized form and contain a provision requesting that the homeowner indicate his/her consent or objection to the variance application and return such form to the City Secretary on or before the date of the scheduled hearing on the application for variance.
 - B. All such returned forms shall be open for inspection at the office of the City Secretary during regular business hours.

3.203.2 HEARING ON APPLICATION FOR VARIANCES

The City Council of the City of Windcrest shall hear all applications for variances to Section 3.201 of the City Code at a regularly scheduled Council meeting. The Council, in determining whether to grant or deny a variance application may consider the following factors:

1. The size or breed of dogs and/or cats,
2. The applicant's lot size,

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3. The number of runs or pens,
4. The neutering of the dogs and/or cats,
5. The de-barking of the dogs,
6. The applicant's fencing,
7. The objections to the application from homeowners within a two hundred (200) foot radius of applicant's property lines, and
8. All other matters deemed relevant by the Council to the application for variance

The decision of the City Council considering the application for variance to Section 3.201 of this Code shall be noted on the application by the City Secretary and thereafter, the application and any attending documents shall be maintained on file in the office of the City Secretary in accordance with the record keeping practices of the office of the City Secretary.

Sec. 3.204 OTHER DOMESTIC ANIMALS; RESTRICTIONS

3.204.1 BOVINES, SHEEP, GOATS, AND EQUINES

It shall be unlawful to keep bovines, sheep, goats, and equines in, on, or near any premises in the City of Windcrest.

3.204.2 SWINE

It shall be unlawful to keep any swine within the corporate limits of the City of Windcrest, Texas.

3.204.3 POULTRY

It shall be unlawful to keep or maintain any poultry on any premises within the city limits of the City of Windcrest, Texas.

3.204.4 PIGEONS

It shall be unlawful to keep or maintain pigeons on any premises within the city limits of the City of Windcrest.

3.204.5 PEACOCKS

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It shall be unlawful to keep or maintain peacocks or pea-hens of any kind within the city limits of the City of Windcrest.

Subchapt. 3.300 NON-DOMESTIC ANIMALS, KEEPING OR HARBORING

Sec. 3.301 RESTRICTIONS

It shall be unlawful for any person to keep or harbor within the corporate limits of the City of Windcrest any warm-blooded carnivorous animal of a species such as, but not limited to, ape, baboon, bear, or lion which ordinarily lives in a state of nature without the aid or care of man, or to keep or harbor any cold-blooded carnivorous animal of a species such as, but not limited to, rattlesnake, constricting snake, alligator, or crocodile, which ordinarily lives in a state of nature without the aid or care of man.

Nothing in this provision shall prevent the keeping of fish, spiders, insects, frogs, toads, lizards, snakes of a non-poisonous species, turtles, or non-constricting snake, subject, however, to all other applicable provisions of the City Code of the City of Windcrest.

Subchapt. 3.400 ANIMAL CONTROL OFFICER

Sec. 3.401 DESIGNATION OF ANIMAL CONTROL OFFICER

The City Council shall create the office of Animal Control Officer to administer the provision of this Chapter. The City Manager shall designate a special officer to be known and designated as the Animal Control Officer, whose duty it shall be to carry out the terms of this Chapter and who shall further be designated as the local health authority for purposes of Subchapter 3.500, Rabies Control, and the Rabies Control Act of 1981, Tex. Rev. Civ. Stat. Ann. Art. 4477-6a, Section 3.02. Other duties of the Animal Control Officer consist of, but are not limited to, the following:

1. Maintaining an Animal Disposition Log,
2. Impounding all retrieved stray animals, sick or injured animals, at a designated holding facility at his discretion,
3. Disposing of dead animals, after removing any identification tags, by placing the carcass in a plastic garbage bag and disposed of accordingly.
4. Filing proper municipal court complaints when violations of City Ordinances are witnessed and appear as a witness if required.
5. Scan nay animal impounded for a microchip.

Sec. 3.402 VERIFICATION OF LICENSE CERTIFICATE AND TAG

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For the purpose of discharging the duties imposed by this Chapter and to enforce its provisions, the Animal Control Officer or his authorized representative is hereby empowered to request from the owner or the person having in his possession any dog or cat, such dog's or cat's current license certificate and/or metallic tag issued pursuant to Section 3.104 of this Chapter, and the failure of such owner or person having in his possession any dog or cat to exhibit, upon request, such license certificate and/or metallic tag, shall constitute an offense under this Chapter.

Sec. 3.403 INTERFERENCE WITH DISCHARGE OF WARDEN DUTIES

It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Officer or his assistants in the execution or performance of his duty under the provisions of this Chapter. (Ord. No. 91A, 4/12/76)

Sec. 3.404 CITATIONS FOR VIOLATIONS

For the purpose of enforcing this Chapter, the Animal Control Officer or his authorized representative shall contact a City of Windcrest Police Officer to issue citations upon an owner, as defined in Section 3.101-3, whose animal is found in violation of any of the provisions of this Chapter and appear as a witness thereto in Court.

Sec. 3.405 PENALTIES

Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined a minimum of one hundred dollars (\$100.00) and not exceeding one thousand dollars (\$1,000.00).

Subchapt. 3.500 RABIES CONTROL

Sec. 3.501 PURPOSE

The purpose of this Subchapter is to establish a minimum program to control and eradicate rabies in the City of Windcrest. This program shall be administered by the City Council in conjunction with the Animal Control Officer and with the cooperation of the Texas Board of Health, pursuant to the Rabies Control Act of 1981, Tex. Rev. Civ. Stat. Ann. Art. 4477-6a, as it presently exists and is hereafter amended.

Sec. 3.502 DUTY OF PERSONS HAVING KNOWLEDGE

Whenever an animal is infected with rabies or suspected of being infected with rabies or has been bitten by an animal known or suspected of being infected with rabies, the owner of the animal or any person having knowledge thereof, shall immediately inform the Animal Control Officer where the animal may be found. (Ord. No. 91A, 4/12/76)

Sec. 3.503 DUTY OF VETERINARIANS

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It shall be the duty of all veterinarians to report in writing all clinical or suspected cases of rabies under their care, to the Animal Control Officer within twenty-four (24) hours after the animal is admitted to a hospital or visited, giving:

1. Location of the veterinary hospital,
2. Name and address of the owner,
3. Location of the patient,
4. Names and addresses of persons bitten, and
5. A negative statement if no persons were bitten.

Sec. 3.504 DUTY OF ANIMAL OWNER

The Animal Control Officer shall serve notice in writing upon an owner of an animal known to have been bitten by an animal known or suspected of being infected with rabies, requiring such owner to have the animal examined and treated at the designated veterinary hospital/quarantine facility within twenty-four (24) hours or have such animal put to death under the supervision of the City Animal Warden.

Sec. 3.505 RABIES NOTICE

Whenever an animal is exhibiting any symptoms of rabies or has been bitten by an animal suspected of having rabies, such animal shall be held under observation at the owner's expense for a period of ten (10) days from date of bite in the City's designated veterinary hospital/quarantine facility operated by a licensed veterinarian. No such animal shall be released from observation until a licensed veterinarian certifies that such animal shows no clinical signs of rabies. The owner shall notify the Animal Control Officer of the fact that his animal has been exposed to rabies and, at his discretion; the Animal Control Officer is empowered to have such animal impounded at the designated veterinary hospital/quarantine facility. Every owner or other person upon ascertaining an animal is rabid shall immediately notify the Animal Control Officer who shall remove the animal to the designated veterinary hospital/quarantine facility if possible and, if not, to summarily destroy it. (Ord. No. 91, 224, 2/8/71, 12/11/89)

Sec. 3.506 ANIMALS WHICH DIE OF RABIES

The heads of animals that have died of rabies or suspected of having died of rabies shall be turned over to a licensed veterinarian for dispatch to the nearest Texas Department of Health laboratory for testing. In all such cases of delivery to a licensed veterinarian, the Animal Control Officer shall be notified and provided a written result of the diagnosis. It shall be the responsibility of the owner of the animal to provide such notification and result of the diagnosis. If there is any expense for the service of dispatch or diagnosis, it shall be the obligation of the owner of the subject animal.

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Sec. 3.507 MUZZLING

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia (rabies), the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog and/or cat to confine it securely on his premises unless such dog and/or cat has a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog and/or cat running at large during the time of the proclamation shall be seized and impounded. Dogs and/or cats impounded during the period of such proclamation shall, if claimed within ten (10) days, be released to the owner, unless under quarantine, upon payment of the impounding charges provided for in Section 3.106. If unclaimed after that period, such dog/cat may be summarily destroyed.

Sec. 3.508 PROCEDURE FOR RABIES BITES

Whenever any animal susceptible to having rabies bites a person or another animal, the owner of the biting animal or the person observing the incident shall immediately report the incident to the Police Department. The Police Department shall forward all such reports to the Animal Control Officer for follow-up. The animal making the attack shall be quarantined at the City's designated veterinary hospital/quarantine facility operated by a licensed veterinarian for at least ten (10) days from the date of the bite, exclusive of the date of the bite. In the event that the date for release of the animal is a national holiday or Saturday or Sunday, then the animal will be held until the next normal business day.

1. The violation of observation confinement of the biting animal shall be just cause for seizure and confinement of the animal in the City's designated veterinary hospital/quarantine facility at the owner's expense.
2. No biting animal shall be released from observation unless a licensed veterinarian certifies in writing to the Animal Control Officer that such animal is not showing any symptoms of rabies.
3. Whenever any animal susceptible to having rabies bites a person and the owner or person in control of such animal is unknown, or where the owner or person in control of such animal is known and fails, neglects or refuses to deliver such animal to the City's designated veterinary hospital/quarantine facility as provided by Section 3.504, and such fact is made known to the Judge of the Municipal Court upon Affidavit of a credible person, it shall be the duty of such Judge to issue a Written Order directed to the Animal Control Officer ordering him to seize such animal and deliver it to the City's designated veterinary hospital/quarantine facility instantly.
4. Any person who resists or interferes with the officer in the enforcement of such order may be proceeded against under Section 38.03 of the Penal Code of the State of Texas or by contempt proceedings in Municipal Court or both.

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5. The owner of any animal confined in the City's designated veterinary hospital/quarantine facility under the provisions of this Section shall pay board for such animal at the usual and customary rate per day as set by the designated veterinary hospital/quarantine facility.

Subchapt. 3.600 ANIMAL WASTE DISPOSAL

Sec. 3.601 DEFINITIONS

1. OWNER, as used in this Subchapter shall mean either:
 - A. The owner of any animal including, but not limited to a dog or cat, which is located within the corporate limits of the City of Windcrest, or
 - B. Any other person, firm, association, or corporation which has within his, her, or its control, either temporarily or permanently, any animal, including, but not limited to, a dog or cat, which is located within the corporate limits of the City of Windcrest.
2. ANIMAL WASTE, as used in this Subchapter, shall be intended to mean the excrement or feces of any animal.

Sec. 3.602 WASTE DISPOSAL

1. It shall be unlawful for the owner of any animal to allow his animal's waste to be deposited and remain upon any private property, public street, roadway, sidewalk, easement, alleyway, recreational area, or drainage ditch within the corporate limits of the City of Windcrest.
2. It shall not be a defense to a violation of Section 3.602 that the owner had no knowledge of the commission of the violation.

Sec. 3.603 FERAL CATS/TRAP-NEUTER-RETURN PROGRAM

In order to effectively and humanely control feral cat populations within its jurisdictional boundaries, the city shall sponsor a trap-neuter-return program in an effort to reduce the feral cat population over time without the necessity of wholesale capture and euthanization. The city may establish a fund or provide services to off-set the costs or trapping, neutering, and vaccinating captured feral cats that can be returned to an appropriate, controlled, protected, and authorized colony site, Caregivers for colonies, whether one (1) or several feral cats, may be aided by the city in providing traps, transportation to spay/neuter facility and off-setting costs, to the extent the funding is available. Ear tipping shall be used on feral cats in order to be identified as spayed or neutered and vaccinated member of a managed colony. A photographic record adequate to identify the cat shall be obtained for all cats part of the city trap-neuter-return program.

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Caregivers of feral cat colonies shall be registered with the city and shall implement proper management and sterilization practices and seek the assistance of the Animal Control Officer in order to:

1. Sterilize (spay/neuter) all adult cats that can be captured.
2. Vaccinate, as required by law, all cats that can be captured against rabies with a three (3) year vaccine and against any other infectious disease as may be mandated by law.
3. Make every attempt to remove kittens for the colony before eight (8) weeks of age for domestication and placement.
4. Make every attempt to remove sick or injured cats from the colony for immediate veterinarian care or humane euthanasia.
5. Assure responsibility and arrangement for feeding the cat colony regularly throughout the year. Feeding of feral colonies by a caregiver shall not constitute a violation of this chapter.

The Animal Control Officer shall maintain all records relating to authorized managed feral colonies in the city trap-neuter-return program to include list of authorized caregivers, sterilization, vaccination, ear-tipping, and medical care records. Other duties shall include:

1. Authorization of managed feral cat colonies in the city trap-neuter-return program.
2. Help to resolve complaints over the conduct of a colony caregiver or of cats with a managed colony.
 - A. Maintain records and prepare monthly reports on the following:
 - B. Number of managed colonies in the city;
 - C. Total number of cats in colonies, if it can be ascertained;
 - D. Number of cats and kittens spayed and neutered pursuant to the trap-neuter-return program; and
 - E. Number of cats and kittens placed in permanent homes.

Other Trap-Neuter-Release (TNR) providers must register with the City Manager or the Animal Control Officer prior to setting up traps or providing any other service to any citizens of the City of Windcrest, Texas.

Sec. 3.604 ENFORCEMENT

The city shall retain the following rights:

1. The right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease;
2. The right to seize/remove a cat from a colony that is creating a nuisance after the caregiver has been afforded thirty (30) days to remove and relocate the cat and has failed to do so; and

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3. The right to seize and remove a colony of cats when a caregiver is unable to provide care and management of the colony and has not been able to obtain a replacement or substitute caregiver.

Sec. 3.605 PENALTY

Any owner who shall violate any provision of this Subchapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in accordance with Section 1.301 of this Code.